	Case 3:03-cv-00315-RCJ-VPC Document 73	Filed 05/18/11 Page 1 of 2	
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3			
5		ISTRICT COURT	
6		DISTRICT OF NEVADA	
7			
8	8 TYRONE L. GARNER,	2:02 av 00245 FCD VDC	
9	 	3:03-cv-00315-ECR-VPC	
10	10 vs.	ORDER	
11	11 CRAIG FARWELL, et al.,		
12	Respondents.		
13	13		
14	Petitioner has filed a motion for reconsideration related to the Court's prior order		
15	disallowing amendment to his current federal habeas petition. (ECF No. 72.) Pursuant to Federal		
16	Rules of Civil Procedure 60, a party may obtain relief from judgment or an order for clerical		
17	mistakes or due to mistake, inadvertence, excusable neglect, or newly discovered evidence.		
18	Petitioner rightfully points out that the Court's order of April 21, 2008, granted him		
19	leave to return to state court to reassert certain claims based on new developments in state law. The		
20	Order further allowed him to pursue other unexhausted claims that he may have. See Order (ECF		
21	No. 65). Petitioner informs the Court that he has exhausted claims which were not previously		
22	brought in his petition, requiring that he amend the petition to assert all of his now exhausted claims.		
23	Thus, his motion shall be granted and petitioner shall be afforded an opportunity to file an amended		
24	petition.		
25		IT IS THEREFORE ORDERED that petitioner's Motion for Relief From	
26	Judgement or Order (ECF No. 72) is GRANTED .	Judgement or Order (ECF No. 72) is GRANTED .	

IT IS FURTHER ORDERED that petitioner shall have forty-five (45) days from entry of this order to file his amended petition. Petitioner shall clearly title the new petition "First Amended Petition." IT IS FURTHER ORDERED that Respondents shall have forty-five (45) days from filing of the amended petition to answer or otherwise respond to the First Amended Petition. Dated this 17th day of May, 2011.